UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SUBAN KRISHNAMOORTHY, CHRISTOPHER
STROBERGER, and STEVEN PETERS

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Appeal 2009-013858
Application 09/684,472
Technology Center 2400

———————

Before JASON V. MORGAN, ERIC B. CHEN,
and BRUCE R. WINSOR, *Administrative Patent Judges*.

WINSOR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 18-35. Claims 36-40 are withdrawn from consideration. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to systems for managing storage, hosts, and Storage Area Network (SAN) interconnect devices such as switches, hubs, and routers. It can be applied to computer networks and is not necessarily limited to SAN. (Spec. 4.) Claim 18, which is illustrative of the invention, reads as follows:

> 18. A system comprising:
>
> an integrated management agent capable of managing components of a storage area network (SAN), the integrated management agent comprising a device agent;
>
> the device agent comprising an object-based device handler sublayer and a protocol-dependent device handler sublayer, the protocol-dependent device handler sublayer comprising multiple modules, each respective module of the multiple modules adapted to support a respective device-type-specific protocol; and
>
> wherein a particular module of the multiple modules that is adapted to support a particular device-type-specific protocol may be installed to or uninstalled from the protocol-dependent device handler sublayer independently of other modules of the multiple modules while the integrated management agent is running.

The Examiner relies on the following prior art in rejecting the claims:

Singh	US 5,758,083	May 26, 1998
Chrabaszcz	US 6,212,585 B1	Apr. 3, 2001
Tawil	US 6,421,723 B1	July 16, 2002

Mann   US 6,654,801 B2   Nov. 25, 2003

Claims 18-28, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as obvious over Mann.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as obvious over Mann in view of Singh.

Claim 32 stands rejected under 35 U.S.C. § 103(a) as obvious over Mann in view of Tawil.

Claims 33-35 stand rejected under 35 U.S.C. § 103(a) as obvious over Mann in view of Chrabaszcz.

Rather than repeat the arguments here, we make reference to the Briefs (App. Br. filed Jan. 20, 2009; Reply Br. filed Oct. 6, 2006) and the Answer (mailed Oct. 6, 2006) for the respective positions of Appellants and the Examiner.[1]

ISSUE

The pivotal issue presented by Appellants' contentions is:

Does Mann teach or suggest a "protocol-dependent device handler sublayer comprising multiple modules, each respective module of the multiple modules adapted to support a respective device-type-specific protocol," as claimed in claim 18? More particularly, are Mann's AAA, DNS, DHCP, PG, and CACHE services, together or individually, a "device-type-specific protocol"?

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[1] The Appeal Briefs filed Feb. 27, 2006, June 6, 2006, and Sept. 29, 2006, and the Answer mailed Aug. 23, 2006, have not been considered as they are deemed to have been replaced and superseded by the Appeal Brief filed Jan. 20, 2009, and Answer mailed Oct. 6, 2006.

ANALYSIS

The Examiner finds that the Mann's Dynamic Host Configuration Protocol (DHCP) service (*see* Mann, Fig. 1; col 6, ll. 31-41) is a device-type-specific protocol (Ans. 4). The Examiner further explains:

> Mann taught protocols (modules) that are supported by a device (Point of Presence (PoP)) (36-42, fig. 1) (AAA, DNS, DHCP, etc.). This means the protocols are specific to the device (PoP). Similarly, if two devices (e.g., two PoP) support the same type of protocols (modules), they are specific to both devices (same type of devices). Hence, Mann taught device-type specific protocols (protocols that are specific to the PoP).

(Ans. 12.)

Appellants contend, "[N]one of the services described in column 6, lines 31-36 correspond to a *device-type-specific protocol,* as recited in the claim. To the contrary, each [*sic*] of the protocols disclosed in Mann are general purpose communication protocols, *not device-type-specific protocols.*" (Reply Br. 3.)

As recited in claim 18, the device-type-specific protocols are protocols supported by the device agent that are specific to a type of device managed by the device agent. The Examiner has not explained how the protocols taught by Mann are supported by the device agent. The Examiner's findings and explanations establish that Mann's PoPs are a device type and that the protocols taught by Mann are present in the PoPs. However, the Examiner's stated logic does not establish that Mann's protocols are *specific* to the PoPs rather than being general purpose communication protocols. It does not necessarily follow from the presence of a protocol in a device or device type that the protocol is specific to that device or device type.

On the record before us, we conclude that the Examiner has not established a prima facie case of obviousness of claim 18 over Mann. Accordingly, we do not sustain the rejection of claim 18, or of dependent claims 19-35.

DECISION

The decision of the Examiner to reject claims 18-35 is reversed.

REVERSED

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